

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GERMAN RUVALCABA,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

Case No. C16-1970-RAJ-MAT

REPORT AND RECOMMENDATION

Petitioner German Ruvalcaba, who is currently detained by U.S. Immigration and Customs Enforcement at the LaSalle Detention Facility in Trout, Louisiana, has filed an application to proceed *in forma pauperis* (“IFP”) and a proposed petition for writ of habeas corpus under 28 U.S.C. § 2241. *See* Dkts. 1 & 4. Petitioner’s IFP application states that he has over \$200 in his prison trust account, and his trust account statement shows that he has consistently had over \$100 in his account since October 2016. Dkts. 4 & 4-1.

While the Court recognizes that petitioner’s funds may not be great, it is not unreasonable to expect petitioner to pay the minimal filing fee required to proceed with this action (\$5.00) given the fact that his basic needs are provided for while he is detained. Accordingly, the Court recommends that petitioner’s application to proceed IFP, Dkt. 4, be DENIED, and that he be

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1 directed to pay the \$5.00 filing fee to proceed with this action. A proposed Order accompanies
2 this Report and Recommendation.

3 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
4 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
5 and Recommendation is signed. Failure to file objections within the specified time may affect
6 your right to appeal. Objections should be noted for consideration on the District Judge's
7 motions calendar for the third Friday after they are filed. Responses to objections may be filed
8 within **fourteen (14)** days after service of objections. If no timely objections are filed, the matter
9 will be ready for consideration by the District Judge on **March 3, 2017**.

10 DATED this 9th day of February, 2017.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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